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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/163,529	09/30/98	DUTTON	R 7003/036

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EXAMINER	
FATEL, J	
ART UNIT	PAPER NUMBER
2855	

DATE MAILED: 03/14/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/163,529

Applicant(s)

Dutton

Examiner

JAGDISH PATEL

Group Art Unit

2855

☒ Responsive to communication(s) filed on Dec 26, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-5, 7-12, 14-17, and 19-24 is/are pending in the applicat

Of the above, claim(s) 24 is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-5, 7-12, 14-17, and 19-23 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Sep 30, 1998 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Election/Restriction*

1. Claim 24 is continued to be withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a non-elected invention.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. The feature “producing well” recited in claims 11 and 12, must be shown with reference number in the drawings or canceled from the claim.

### *Specification*

3. The disclosure is objected to because of the following informalities:

The phrases “De is a Coriolis-based flow rate measurement...” on page 15, line 22 and “De is a density of the total...” on page 15, line 23; “transmissivity ratio Tr equals...Tr is the drive gain” on page 9, lines 23-24 and “a standard reference temperature, Tr” on page 16, lines 7-8; and “valves 803, 803' and 803'''” on page 15, line 6 and “a single well 803, 803' or 803'''” on page 15, line 12), are inconsistent.

The amended sentence on page 14, line 15 “The well connected via valves 803, 803' and 803" flowing through...sales.” is unclear.

The feature “producing well” is not described with reference number in detailed descriptions of the preferred embodiment.

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4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 2-5, 7, 8 and 12, are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to provide adequate written description of the claimed invention.

For examples, what elements are defined by “means for determining...” in Claim 2, “means for providing...” in Claim 5, “means for averaging...” in Claim 7 and “means for indicating...” in Claim 12. Applicant is behooved to comply with *In re Donaldson* decision. Which clearly states that the means-plus-function statement in the claims must be clearly identified by elements in the specification.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-5, 7-12, 14-17 and 19-23, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In Claim 1, there is no structural interrelationship between the claimed elements. The elements “at least one flow tube”, “a driver”, “means for monitoring” and “means for outputting”, are not structurally connected. In addition, the term “capable of use” in the preamble of the claim is not understood since same do not provide any structural features.

Claim 3 recites the term “multiphase flow” which should be “said multiphase flow” or “the multiphase flow”.

Claim 5 recites the term “said means for providing” lacks antecedent basis.

Claim 10 recites in the preamble “The flowmeter as set forth in claim wherein” which is improper because it does not depend on any claims.

Claim 11 recites the term “said flowmeter” which is ambiguous because the claim should recite only positive limitations and not the invention itself as defining a limitation. The term “the conduct” lacks antecedent basis. The elements “a producing well” and “a valve” are not positively recited.

Claim 12 recites the term “said flowmeter” which is ambiguous because the claim should recite only positive limitations and not the invention itself as defining a limitation. The term “the conduct” lacks antecedent basis. The element “a producing well” is not positively recited. The element “means for indicating” is not structurally connected.

Claim 14 recites the term “a Coriolis flowmeter” in line 4 which should be “said Coriolis flowmeter” or “the Coriolis flowmeter”. The term “multiphase flow” in lines 7 and 10 should be “said multiphase flow” or “the multiphase flow”.

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Claims 15-17 recite the term "multiphase flow" which should be "said multiphase flow" or "the multiphase flow".

Claims 22 and 23 are incomplete because they depend from cancel Claim 18. In addition, Claims 22 and 23 recite the term "said providing" lacks antecedent basis.

The term "means" is improper in the method claims since same do not provide any method limitation. Claim 23 further recites in the preamble "The flowmeter" which is improper because it does not agree with the preamble of the claims from it depends.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 9 and 14, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Arunachalam et al. (5,295,084). Arunachalam discloses a Coriolis flowmeter including at least one flowtube (130), a driver (180), means for monitoring (20) and means for outputting (23).

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

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has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

12. Claims 1, 9 and 14, as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Patten et al. (6,092,409). Patten discloses a Coriolis flowmeter (figs. 1 and 2) including at least one flowtube (103A), a driver (104), means for monitoring (20) and means for outputting (201, described in column 6, lines 34-59).

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dutton discloses a system including Coriolis flowmeter, well, valve and control unit.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 305-0930. The examiner can normally be reached on Monday through Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Fuller can be reached at (703) 308-0079. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Jagdish Patel

March 1, 2001

